

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BROOKS AUTOMOTIVE GROUP, INC. *formerly  
known as* BROOKS OLDSMOBILE-CADILLAC-  
GMC TRUCK, INC., B.L.P. REAL ESTATE, LLC,

Case No. 2:18-cv-00798-AJS

Plaintiffs,

Hon. Arthur J. Schwab

v.

GENERAL MOTORS LLC,

Defendant.

---

**STIPULATED ORDER PERMITTING COMPLETION OF RULE 26(F)  
CONFERENCE BY PHONE**

WHEREAS, this matter having come before the Court on the stipulation of the parties,  
and the Court being otherwise fully advised in the premises;

WHEREAS, this Court ordered on July 31, 2018 that

[T]he parties must, as soon as practicable, confer to consider the nature and basis of their claims and defenses and the possibilities for a prompt settlement or resolution of the case, to make or arrange for the disclosures required by Rule 26(a)(1), and to develop a proposed discovery plan[.]

The “confer” meeting must occur face-to-face, at the office of the counsel for the plaintiff, absent an Order of Court stating otherwise.

(Dkt. 5, Or., at 2.)

WHEREAS, on September 13, 2018, the parties held an in-person mediation session in Pittsburgh before Hon. Eugene F. Scanlon. The mediation was attended by client representatives for all parties, including multiple representatives for General Motors LLC that flew to Pittsburgh for the mediation. During the mediation, the parties considered the nature and basis of their

claims and defenses and the possibilities for a prompt settlement or resolution of the case. The case did not settle at the mediation.

WHEREAS, the only portion of the Court's requirement above that remains outstanding is the discussion of the timing of initial disclosures and the development of the discovery plan.

WHEREAS, in consideration of the fact that (i) mediation and the discussion concerning settlement was completed in person on September 13, (ii) General Motors LLC's counsel is based in Detroit, Michigan, and (iii) the only outstanding task is to hold a discussion concerning the timing of disclosures and discovery, the parties have sought leave to complete the meet-and-confer process required under Rule 26(f) by way of teleconference.

NOW, THEREFORE, IT IS HEREBY ORDERED that the parties are given leave to complete the Rule 26(f) conference telephonically.

IT IS SO ORDERED.

---

U.S. District Judge

Dated: \_\_\_\_\_

SO STIPULATED:

/s/ John B. Consevage (w/consent)

John B. Consevage, Esq.  
PA Atty I.D. No. 36593  
Jerry R. DeSiderato, Esq.  
PA Atty I.D. No. 201097  
**DILWORTH PAXSON LLP**  
Penn National Insurance Plaza  
2 N. 2<sup>nd</sup> Street, Suite 101  
Harrisburg, PA 17101  
Tel: (717) 213-4105  
Fax: (717) 236-7811  
jconsevage@dilworthlaw.com  
jdesiderato@dilworthlaw.com

*Attorneys for Plaintiffs*

/s/ Robert Hugh Ellis

Robert Hugh Ellis, Esq.  
Admitted *Pro Hac Vice*  
MI Atty I.D. No. P72320  
WI Atty I.D. No. 1057332  
**DYKEMA GOSSETT PLLC**  
400 Renaissance Center  
Detroit, MI 48243  
Tel: (313) 568-6723  
Fax: (855) 252-7980  
rellis@dykema.com

*Attorneys for Defendants*